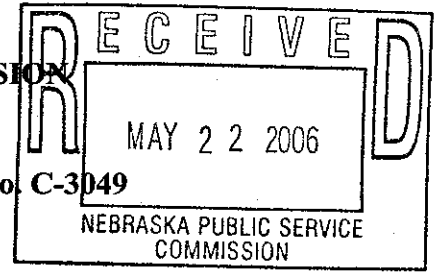


**BEFORE THE
NEBRASKA PUBLIC SERVICE COMMISSION**

**In the Matter of the Commission, on its Own
Motion, to Conduct an Investigation Into
Possible Solutions for Extending the Life of
Area Codes 308 and 402**

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Docket No. C-3049



COMMENTS OF SPRINT NEXTEL CORP.

Sprint Nextel Corporation, on behalf of itself and its wireless division (consisting of SprintCom, Inc., Sprint Spectrum, L.P., and WirelessCo, L.P., d/b/a Sprint PCS), and on behalf of Nextel West Corp. d/b/a Nextel (collectively, "Sprint"), offers these comments in response to the Nebraska Public Service Commission ("NPSC")'s request for comments pursuant to its Order Implementing Mandatory Thousands Block Number Pooling in Certain Rate Centers of the 402 Area Code and Setting a Hearing dated March 14, 2006, as modified by its subsequent Orders dated March 28, 2006 and May 10, 2006 in the above-referenced docket.

Summary of Sprint's Position

Sprint supports the extension of mandatory thousands-block number pooling for all remaining rate centers in the 402 area code. The further extension of pooling obligations will prolong the life of the North American Numbering Plan ("NANP") and free up numbers for efficient use by competitors in the telecommunications marketplace. Accordingly, Sprint urges the NPSC to adopt an aggressive schedule for the implementation of mandatory number pooling to the remaining rate centers in the 402 area code.

Background and FCC Comments

On May 15, 2006, Sprint filed comments (hereinafter, the "FCC Comments") in response to the Federal Communications Commission ("FCC")'s Fifth Further Notice of Proposed

Rulemaking ("Fifth FNPRM").¹ The FCC in the Fifth FNPRM sought comment regarding the extension of mandatory thousands-block number pooling to Numbering Plan Areas ("NPAs") outside of the top 100 Metropolitan Statistical Areas ("MSAs"). As set forth in its FCC Comments, Sprint supports the extension of mandatory pooling.² The further extension of pooling obligations will prolong the life of the North American Numbering Plan ("NANP") and free up numbers for efficient use by competitors in the telecommunications marketplace.

The real question is how best to extend mandatory pooling. The Fifth FNPRM sought comment on three alternatives:

1. Maintain the *status quo*, which would require State commissions to petition the FCC for delegated authority on a per NPA basis (§ 17);
2. Grant States blanket delegated authority to implement mandatory pooling, with States exercising this authority "at their discretion" (§ 16); or
3. Extend mandatory pooling to "all rate centers, using a phased implementation schedule" (§ 17).

Sprint does not support the first option (*i.e.*, maintaining the *status quo*). This option imposes needless burdens on State commissions in preparing a petition and further burdens the FCC in reviewing the petitions. In addition, precious time can be lost in the regulatory review process. However, in its FCC Comments Sprint urged the FCC to promptly act on the two State petitions that remain pending.³

Between the second and third options, Sprint strongly favors the third option. As reported to the FCC by the States, the demand for telephone numbers in rural and suburban areas outside the top 100 MSAs is increasing rapidly. Experience has proven that number pooling is a

¹ See *Numbering Resource Optimization*, CC Docket No. 99-200, *Order and Fifth Further Notice of Proposed Rulemaking* (Feb. 24, 2006), summarized in 71 Fed. Reg. 13323 (March 15, 2006).

² See Sprint Nextel Comments, CC Docket No. 99-200 (May 15, 2006); Sprint Nextel Comments, CC Docket No. 99-200 (Jan. 18, 2006); Sprint Reply Comments, CC Docket No. 99-200, (Jan. 14, 2005).

³ See Washington Utilities and Transportation Commission Petition for Mandatory Pooling, CC Docket No. 99-200, DA 06-1 (Dec. 6, 2005) ("WUTC Petition"); Ohio Public Utilities Commission Petition for Delegated Authority, CC Docket No. 99-200, DA 05-3254 (Aug. 17, 2005) ("PUCO Petition").

highly effective number conservation measure. Most carriers, including those in rural areas, use modern switches that are capable of supporting number pooling. In order to avoid a reoccurrence of the numbering crisis that industry faced in the late 1990s, Sprint supports the FCC's adoption of an aggressive implementation schedule in order to achieve thousands-block number pooling in all rate centers outside of the top 100 MSAs. Unique hardships can be addressed through the waiver process.

Pooling has Proven to be a Highly Effective Numbering Optimization Tool

Thousands-block number pooling has been extraordinarily effective in improving number utilization and extending the life of the NANP. Number pooling in the 100 most populous MSAs was implemented over a 20-month period between March 15, 2002 and December 31, 2003. According to the most recent data publicly available (as of June 30, 2005), pooling has contributed in saving nearly 200 million telephone numbers – the equivalent of over 25 scarce area codes.⁴ Largely as a result of pooling, the NANP administrator has estimated that the life of the NANP has been extended by at least 23 years, from 2012 to beyond 2035⁵ – action that has saved American consumers an estimated \$50 billion.⁶

Thousands-block number pooling not only extends the life of the NANP, but it also forestalls the need for area code relief. In the state of Washington, the implementation of mandatory pooling has extended the life of urban NPAs 253 and 425 by 15 years and 26 years respectively.⁷ Mandatory pooling has also proven so successful that two overlays assigned to

⁴ See Industry Analysis and Technology Division, *Numbering Resource Utilization in the United States as of June 30, 2005*, Table 9 (May 2006). 25 area codes determined by the following assumptions: 1) each NXX contains 10,000 numbers; and 2) each NPA is composed of 775 NXXs. $200,000,000/10,000 = 20,000$ NXXs. $20,000 \text{ NXXs} / 775 = 25.8$ NPAs (i.e., area codes).

⁵ See NANP 2005 Annual Report at 57, available at http://www.nanpa.com/reports/2005_NANPA_Annual_Report.pdf

⁶ See *First Numbering Resource Optimization Order*, CC Docket No. 99-200, at n. 9 and n. 12 (March 31, 2000).

⁷ See WUTC Petition at 6.

the 513 and 614 NPAs in Ohio have been postponed indefinitely.⁸ These are but a few of countless examples where number pooling has had a dramatic impact on numbering resources throughout the country.

In addition to greatly improving the efficient use of numbers, thousands-block number pooling serves to protect the public from the costs and confusion related to area code relief. As seen with the recent California 310/424 overlay, area code relief is often controversial and causes a tremendous stress on communities. Mandatory pooling, on the other hand, is far easier to implement while insulating the public from the side-effects of area code relief.

Thousands-block number pooling leads to far more efficient number utilization by carriers. To date, number pooling implementation has been focused on metropolitan areas. This focus is understandable given that most customers are located in metropolitan areas. This limited implementation, however, has contributed to wide disparities in telephone number utilization rates between carriers serving metropolitan areas and carriers serving rural areas:

PERCENT OF TELEPHONE NUMBERS ASSIGNED TO CUSTOMERS
(Data based on May 2006 Numbering Utilization Report, Tables 2 and 3)

	Metropolitan Areas (Pooling Utilized)	Rural Areas (Pooling Generally Not Used)
ILEC	57.7%	14.9%
Cellular/PCS	57.5%	22.1%
CLEC	18.5%	6.1%
All Reporting Carriers	44.9%	14.7%

Continued assignment of full NXXs in rural areas to ILECs, CLECs, and wireless carriers has a great impact on NPA exhaust. Mandatory number pooling would greatly improve number utilization in rural areas outside the Top 100 MSAs.

**Conditions are Ripe for Mandatory Number Pooling Outside the Top 100 MSAs
Due to Increasing Rural Competition and Demand for Numbers.**

Record evidence confirms that States are experiencing an increase in the demand for numbering resources in more rural areas outside the top 100 MSAs. This demand is largely the result of competition – most notably cable companies, Voice over Internet Protocol (“VoIP”) providers, and wireless carriers – moving into more rural areas and competing against the incumbent LECs. The Washington Commission has advised the FCC as follows:

In Washington, competition is expected in all areas of the State with increased offering of Voice over Internet Protocol (VOIP), wireless, and other service. Cable television competitive companies are offering telephone service in rural areas as well as urban areas. As these competitive companies seek telephone numbers, the present number exhaust dates will accelerate. Mandatory number pooling before these competitors requests and receive numbers will conserve numbers, delaying number exhaust and the need for area code changes.⁹

Similarly, the Ohio Commission has stated: “Ohio is experiencing an increase in the demand for numbering resources in our more rural areas outside the top 100 MSAs. The PUCO firmly believes that exhaust dates for a number of its NPAs will move up in NANPA’s forecast.”¹⁰ Given the burgeoning *nationwide* availability of VoIP, the expansion of cable initiatives and wireless build-out in rural and suburban areas, this increased competition and demand on numbering resources is clearly not isolated to Ohio and Washington.

As such, Sprint supports the proactive step of extending mandatory thousands-block number pooling outside the top 100 MSAs across the nation, including Nebraska, as soon as practicable.

⁹ WUTC Petition at 3-4.

¹⁰ PUCO Petition at 7.

Voluntary Pooling is Ineffective

The State petitions also demonstrate that voluntary pooling has proven to be largely ineffective — once again underscoring the need for the expansion of mandatory pooling outside of the top 100 MSAs. The Ohio Commission has observed that voluntary pooling “has not worked as effectively as anticipated” because, among other things, carriers have no incentive to aid their competitors.¹¹ For those carriers that do participate, the Ohio Commission further notes that they:

- may not be prepared to donate numbers in a timely manner;
- may not take their pooling obligations seriously; and,
- may not have conducted research necessary to immediately donate clean or slightly contaminated blocks when requested by the Pooling Administrator.¹²

Similarly, the Washington Commission states, “[o]ptional pooling leaves the decision to pool to the discretion of competing service providers with few incentives to aid their own competitors. Number pooling is not a major burden on carriers but failure to implement it results in area code changes which are a major burden on consumers.”¹³

Further, the NPSC has recently noted in its Petition for Additional Delegated Authority to Implement Number Conservation Measures to the FCC, “As in other states, carriers in Nebraska are reluctant to participate in voluntary pooling in rate centers outside the top 100 MSAs. The NPSC is concerned that thousands of numbers will continue to be stranded in the rural areas.”¹⁴

In other words, voluntary pooling has failed as a meaningful numbering resource optimization tool. Sprint agrees with the State commissions, including the NPSC, that only

¹¹ PUCO Petition at 6.

¹² *See id.*

¹³ WUTC Petition at 8.

¹⁴ *See* Petition of the Nebraska Public Service Commission for expedited decision for authority to implement additional number conservation measures, CC Docket No. 99-200 (Nov. 24, 2005).

mandatory pooling will have a significant impact on numbering utilization. The FCC has already recognized that mandatory pooling is appropriate where “many carriers are not participating in optional pooling and instead continue to request full NXX codes in these NPAs.”¹⁵ Therefore, Sprint believes the FCC should transition from ineffectual voluntary pooling in favor of proven mandatory pooling in all areas outside the top 100 MSAs.

The NPSC Should Adopt an Aggressive Schedule for the Implementation Mandatory Pooling in the Remaining Rate Centers in the 402 Area Code.

All available record evidence demonstrates that mandatory pooling is perhaps the most highly-effective number conservation tool; that competition is moving to rural areas straining numbering resources; and that voluntary pooling efforts have proven ineffective. For these reasons, the time is ripe for the FCC to abandon its case-by-case/State-by-State approach for extending mandatory pooling to areas outside the top 100 MSAs. In its place, the FCC should adopt an aggressive schedule to roll out thousands-block number pooling to all NPAs outside the top 100 MSAs. The FCC employed a 20-month roll-out schedule for thousands-block pooling in the top 100 MSAs. In its FCC Comments, Sprint suggested that the FCC should adopt a similar roll-out schedule for areas outside the top 100 MSAs. Sprint further suggested that the rollout schedule should not exceed 20 months in length and that priority should be given to NPAs nearest to exhaust. Any carrier facing a unique hardship can pursue waiver of the implementation schedule where appropriate.


In keeping with the spirit of Sprint’s FCC Comments, Sprint urges the NPSC to adopt an aggressive schedule for the implementation of mandatory number pooling to the remaining rate centers in the 402 area code. However, Sprint has no comments at this time on the specific proposed schedule set forth in the NPSC’s May 10, 2006 Order. Sprint commends the NPSC for

¹⁵ See *Numbering Resource Optimization*, CC Docket No. 99-200, *Order and Fifth Further Notice of Proposed Rulemaking*, at ¶ 12 (Feb. 24, 2006).

taking action, and urges the NPSC to adopt a schedule that will facilitate implementation of mandatory number pooling as soon as practicable.

Respectfully submitted this 22nd day of May, 2006.

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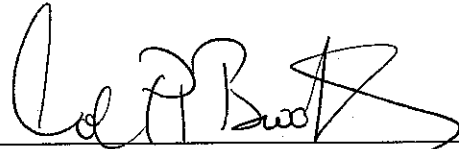
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of May, 2006, an original, eight copies and an electronic copy of the Comments of Sprint Nextel Corp. in Application No. C-3049 were hand delivered to:

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